

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 10-cr-20653
HON. GERSHWIN A. DRAIN

DUANE BERRY, D-1,

Defendant.

ORDER FOR THE GOVERNMENT TO SHOW CAUSE

This matter was recently reassigned to the undersigned. The Court conducted a status conference on February 28, 2013. At the conference, Defendant argued that a violation of his Speedy Trial rights has occurred. *See* 18 U.S.C. § 3161(c)(1) (“In any case in which a plea of not guilty is entered, the trial of a defendant charged in an . . . indictment with the commission of an offense shall commence within seventy days from the filing date . . . of the indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.”). Upon review of the docket for this matter, the Court finds that there may be merit in Defendant’s assertion that his right to a speedy trial has been violated.

Accordingly, the Court ORDERS the Government to show cause in writing, no later than Wednesday, March 6, 2013, why the Third Superseding Indictment should not be dismissed as to Defendant Berry. The Government’s Response shall include, but is not limited to, a discussion of the period between November 15, 2010 through March 11, 2011.

Defendant's stand-by counsel, S. Allen Early, III, SHALL file a reply to the Government's response to this Court's Order to Show Cause no later than Friday, March 8, 2013.

A hearing on this matter will be held on Monday, March 11, 2013 at 2:00 p.m.

SO ORDERED.

Dated: March 1, 2013

/s/Gershwin A Drain

Gershwin A. Drain

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

A copy of this Order was served upon attorneys of record by ordinary mail or electronic mail.

s/Tanya R Bankston

Deputy Clerk